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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,557	05/29/2001	Asher Kfir	KFIR 1	4008
1444	7590	01/03/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			DUONG, DUC T	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,557

Applicant(s)

KFIR ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it reads like a claim, and further containing legal phraseology such as "said". Correction is required. See MPEP § 608.01(b).

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claim 7 lines 17-20, the claim called for "**a synchronous buffer** operatively associated ...". However, the specification on page 11 lines 26-30 and the reference "240" in Fig. 3 called for a "**synchronous I/O interface** operatively associated ...".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Ramsden et al (E.P. Patent 1,006,751 A2).

Regarding to claims 1 and 13, Ramsden discloses a method for enabling provision of service-levels in an Ethernet-over-synchronous communication network, the method comprising receiving Ethernet frames at an input rate 301 (Fig. 3 col. 11 lines 44-47); mapping said Ethernet frames into a synchronous protocol thereby producing

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mapped data frames suitable for transmission in said synchronous protocol 303-304 (Fig. 3 col. 11 lines 56-58 and col. 12 lines 1-8); generating a pause signal after a received amount of said Ethernet frames reaches or exceeds a threshold capacity level (Fig. 4 col. 13 lines 27-36), said pause signal being generated in accordance with a service-level agreement SLA (transmission rate) determining an output rate based upon an aggregate rate enabled by K memory containers (threshold level 1003) out of N available memory containers 1001, where K and N are integers (Fig. 10 col. 20 lines 37-54); and outputting the mapped data frames from the K memory containers thereby providing synchronous transmissions at said output rate 705 (Fig. 7 col. 17 lines 15-28).

Regarding to claims 2 and 8, Ramsden discloses preventing transmission of said Ethernet frames at a capacity that reaches or exceeds a capacity allowed by the SLA (Fig. 4 col. 13 lines 27-36).

Regarding to claims 3 and 9, Ramsden discloses the Ethernet-over-synchronous communication network comprises at least one of Ethernet-over-SONET and Ethernet-over-SDH network (col. 10 lines 46-49).

Regarding to claims 4 and 10, Ramsden discloses input rate comprises one of a rate of 1 gigabit per sec; a rate of 10 gigabit per sec; a rate of 100 megabit per sec; and a rate of 10 megabit per sec (col. 12 lines 34-40).

Regarding to claims 5 and 11, Ramsden discloses dynamically generating the pause signal in accordance with an SLA provisioned or determined in real-time (col. 17 lines 30-34).

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Regarding to claim 6, Ramsden discloses determining K (threshold level) that is required for supporting said SLA, and selecting said K (col. 23 lines 1-14).

Regarding to claim 7, Ramsden discloses an apparatus 100 for enabling provision of service-levels in an Ethernet-over-synchronous communication network 102 (Fig. 1 col. 9 lines 2-10), the apparatus comprising an Ethernet receiving buffer 411 operative to receive Ethernet frames at an input rate (Fig. 4 col. 12 lines 51-54); mapping circuitry 205 operatively associated with the Ethernet receiving buffer and operative to map the Ethernet frames into a synchronous protocol thereby producing mapped data frames suitable for transmission in said synchronous protocol (Fig. 4 col. 12 lines 54-58 and col. 13 lines 1-16); a plurality of N memory containers 1001 operatively associated with the mapping circuitry (Fig. 10 col. 20 lines 38-41); a controller 416 operatively associated with the N memory containers and the mapping circuitry and operative to generate a pause signal after said Ethernet receiving buffer is filled by an amount of said Ethernet frames that reaches or exceeds a threshold capacity level (Fig. 4 col. 13 lines 29-36), said pause signal being generated in accordance with a service-level agreement SLA (transmission rate) determining an output rate based upon an aggregate rate enabled by said K (threshold level 1003) memory containers (Fig. 10 col. 20 lines 46-54); and a synchronous output buffer 207 operatively associated with said controller and said N memory containers and operative to output the mapped data frames from the K memory containers under control of the controller thereby providing synchronous transmissions at said output rate (Fig. 2 col. 11 lines 12-25).

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Regarding to claim 12, Ramsden discloses the threshold capacity level 1003 is lower than the entire capacity 1001 of said Ethernet receiving buffer 411 (Fig. 10 col. 20 lines 37-46).

Regarding to claim 14, Ramsden discloses the output rate is determined by an SLA through a selection of K (Fig. 10 col. 21 lines 1-14; noted K is represent by the threshold level).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-Th (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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